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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/790,961

03/02/2004

Darrick Finan

9060-216

2151

7590

12/27/2005

Elizabeth A. Stanek
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, NC 27627

EXAMINER

SWARTHOUT, BRENT

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,961

Applicant(s)

FINAN ET AL.

Examiner

Brent A. Swarthout

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2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1-14-05, 6-28-05.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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1. Claims 9-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, line 2 "and/or" is indefinite.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

a. Claims 1,5,7,8 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Hartman et al.

Hartman discloses a power outlet assembly comprising a frame 254, a power outlet 256 attached to the frame and connected to a power network 252, indicator circuit 192 attached to the frame for generating a sensory indication responsive to a power line carrier status signal 274 from the network 256.

Regarding claim 5, the digital bit stream of Hartman (col. 10, lines 3-5) would have been a low impact signal since an alarm is only generated after processing of the signal by microcontroller 272.

Regarding claim 7, Hartman teaches use of audio signal 193.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

b. Claims 2-4,6,9-13 and 15-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman et al. in view of Germagian et al.

Hartman discloses a device for providing indication of a power line carrier signal, except for specifically stating that the signal indicates source of energy. However, Hartman does teach that any number of alarm conditions can be monitored and provided by the power line carrier signal (col. 5, line 64- col.6, line 14).

Germagian teaches desirability of indicating at a power outlet adaptation device of the status of power in an uninterrupted power system (col.5, lines 1-20).

It would have been obvious to provide an indication of energy source as suggested by Germagian in conjunction with a carrier status signal as disclosed by Hartman, in order to allow a user to be aware that a power source might be of a temporary nature, in order that a patient could have been stabilized or files saved before a power outage occurred.

Regarding claim 4, Germagian teaches displaying either a current source (col. 5, line 3) or potential source (col. 5, line 15).

Regarding claim 6, since Hartman teaches use of plural colored LEDs to indicate different conditions (col. 9, lines 22-29), choosing to use well-known LCDs for this purpose would have been obvious, merely

depending on what type of lighting conditions were in a given environment.

Regarding claim 11, Hartman allows indications when external probe 114 contacts plug 82.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dyer, McCracken, Chou, Hammond, Pereira and Deese disclose power attachment indicators and devices.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-F from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**BRENT A. SWARTHOUT
PRIMARY EXAMINER**